REMARKS

In response to the Office Action dated September 7, 2006, Applicant respectfully requests reconsideration based on the above amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

· Claims 2, 8, 14, 15 and 19 have been canceled to expedite prosecution. Such cancellation should not be construed as acquiescence in any rejections of these claims.

Claims 21-23 were indicated allowable. Claim 21 has been placed in independent form.

Claims 1-4, 6-10 and 12-16 were rejected under 35 U.S.C. § 103 as being unpatentable over Constantinof. This rejection is traversed for the following reasons.

Claim 1 recites, *inter alia*, "establish additional virtual circuits in the virtual path; wherein serializing requests for additional virtual circuits includes: creating a conditions table comprising a plurality of conditions, each condition having a corresponding action to be performed if the condition is satisfied; consulting the conditions table when a new order to provision the end user with a virtual circuit is received to determine an applicable condition; and performing the action corresponding to the applicable condition." As recited in claim 1, if there are less than the pre-determined number available virtual circuits remaining in the virtual path, there occurs a serializing request for additional virtual circuits. The serializing requests includes consulting the conditions table. An example of this processing is illustrated in Applicant's Figure 3 wherein the determination of available virtual circuits is made at step 308. If sufficient virtual circuits are not available, flow proceeds to step 312 where the condition table is consulted. Thus, the condition table is part of the serialization process.

Constantinof fails to teach this processing. In the analysis of claim 2 (now incorporated in claim 1), the Examiner cites to column 10, lines 7-16 of Constantinof. This section describes triggers for adjusting cache size based on load. These triggers are based on a time interval or a number of calls. There is no discussion in Constantinof of using these conditions as part of a request for serializing requests for additional virtual circuits as recited . in claim 1. These triggers are part of the process for adjusting cache size, not conditions for

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serializing requests for additional virtual circuits. Thus, Constantinof fails to teach or suggest the features of claim 1.

For at least the above reasons, claim 1 is patentable over Constantinof. Claims 3-4 and 6 variously depend from claim 1 and are patentable over Constantinof for at least the reasons advanced with reference to claim 1.

Claims 7, 13 and 18, as amended, recite features similar to those discussed above with reference to claim 1 and are patentable over Constantinof for at least the reasons advanced with reference to claim 1. Claims 9, 10 and 12 depend from claim 7 and claim 16 depends from claim 13 and are considered patentable for at least the same reasons.

Claims 5, 11 and 17 were rejected under 35 U.S.C. § 103 as being unpatentable over Constantinof in view of Ohno. This rejection is traversed for the following reasons. Ohno was relied upon for disclosing determining a request unsuccessful if it exceeds a time threshold, but fails to cure the deficiencies of Constantinof discussed above with reference to claims 1, 7 and 13. Claims 5, 11 and 17 depend from claims 1, 7 and 13, respectively, and are patentable over Constantinof in view of Ohno for at least the reasons advance with reference to claim 1.

Claims 18-20 and 24 were rejected under 35 U.S.C. § 103 as being unpatentable over Constantinof in view of Admitted Prior Art (APA). This rejection is traversed for the following reasons. APA was relied upon for disclosing a plurality of additional virtual circuit connections having an associated range of virtual circuit identifiers, but fails to cure the deficiencies of Constantinof discussed above with reference to claim 1. Claim 18 includes features similar to those discussed above with reference to claim 1. Thus, claim 18 is patentable over Constantinof in view of Admitted Prior Art (APA) for at least the reasons advance with reference to claim 1. Claims 19, 20 and 24 depend from claim 18.

In view of the foregoing remarks and amendments, Applicant submits that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

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If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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